



General Assembly

Substitute Bill No. 1003

January Session, 2017



**AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES
CONCERNING THE CRIMINAL JUSTICE SYSTEM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-343 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) For the purposes of [sections 19a-343] this section and sections
4 19a-343a to 19a-343h, inclusive, a person creates or maintains a public
5 nuisance if such person erects, establishes, maintains, uses, owns or
6 leases any real property or portion [thereof] of such property for (1)
7 any of the purposes enumerated in subdivisions (1) to (6), inclusive, of
8 subsection (c) of this section, or (2) on which any of the offenses
9 enumerated in subdivisions (1) to (14), inclusive, of subsection (c) of
10 this section have occurred.

11 (b) The state has the exclusive right to bring an action to abate a
12 public nuisance under this section and sections 19a-343a to 19a-343h,
13 inclusive, involving any real property or portion [thereof] of such
14 property, commercial or residential, including single or multifamily
15 dwellings, provided there have been three or more arrests, the
16 issuance of three or more arrest warrants indicating a pattern of
17 criminal activity and not isolated incidents or the issuance of three or
18 more citations for a violation of a municipal ordinance as described in

19 subdivision (14) of subsection (c) of this section, for conduct on the
20 property documented by a law enforcement officer for any of the
21 offenses enumerated in subdivisions (1) to (14), inclusive, of subsection
22 (c) of this section [within the three hundred sixty-five days] during the
23 three-hundred-sixty-five-day period preceding commencement of the
24 action.

25 (c) Three or more arrests, the issuance of three or more arrest
26 warrants indicating a pattern of criminal activity and not isolated
27 incidents or the issuance of three or more citations for a violation of a
28 municipal ordinance as described in subdivision (14) of this
29 subsection, for the following offenses shall constitute the basis for
30 bringing an action to abate a public nuisance:

31 (1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88
32 or 53a-89.

33 (2) Promoting an obscene performance or obscene material under
34 section 53a-196 or 53a-196b, employing a minor in an obscene
35 performance under section 53a-196a, importing child pornography
36 under section 53a-196c, possessing child pornography in the first
37 degree under section 53a-196d, possessing child pornography in the
38 second degree under section 53a-196e or possessing child pornography
39 in the third degree under section 53a-196f.

40 (3) Transmission of gambling information under section 53-278b or
41 53-278d or maintaining of a gambling premises under section 53-278e.

42 (4) Offenses for the sale of controlled substances, possession of
43 controlled substances with intent to sell, or maintaining a drug factory
44 under section 21a-277, 21a-278 or 21a-278a or use of the property by
45 persons possessing controlled substances under section 21a-279.
46 Nothing in this section shall prevent the state from also proceeding
47 against property under section 21a-259 or 54-36h.

48 (5) Unauthorized sale of alcoholic liquor under section 30-74 or
49 disposing of liquor without a permit under section 30-77, or sale or

50 delivery of alcoholic liquor to any minor under subdivision (1) of
51 subsection (b) of section 30-86 or the sale, delivery or giving of alcoholic
52 liquor to a minor under subdivision (2) of subsection (b) of section 30-
53 86.

54 (6) Maintaining a motor vehicle chop shop under section 14-149a.

55 (7) Inciting injury to persons or property under section 53a-179a.

56 (8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55,
57 53a-56 or 53a-56a.

58 (9) Assault under section 53a-59, 53a-59a, subdivision (1) of
59 subsection (a) of section 53a-60 or section 53a-60a or 53a-61.

60 (10) Sexual assault under section 53a-70 or 53a-70a.

61 (11) Fire safety violations under section 29-292, subsection (b) of
62 section 29-310, or section 29-315, 29-320, 29-329, 29-337, 29-349 or 29-
63 357.

64 (12) Firearm offenses under section 29-35, 53-202aa, 53-203, 53a-211,
65 53a-212, 53a-216, 53a-217 or 53a-217c.

66 (13) Illegal manufacture, sale, possession or dispensing of a drug
67 under subdivision (2) of section 21a-108.

68 (14) Violation of a municipal ordinance resulting in the issuance of a
69 citation for (A) excessive noise on nonresidential real property that
70 significantly impacts the surrounding area, provided the
71 municipality's excessive noise ordinance is based on an objective
72 standard, (B) owning or leasing a dwelling unit that provides residence
73 to an excessive number of unrelated persons resulting in dangerous or
74 unsanitary conditions that significantly impact the safety of the
75 surrounding area, or (C) impermissible operation of (i) a business that
76 permits persons who are not licensed pursuant to section 20-206b to
77 engage in the practice of massage therapy, or (ii) a massage parlor, as

78 defined by the applicable municipal ordinance, that significantly
79 impacts the safety of the surrounding area.

80 Sec. 2. Subsection (b) of section 21a-283 of the general statutes is
81 repealed and the following is substituted in lieu thereof (*Effective*
82 *October 1, 2017*):

83 (b) The Division of Scientific Services within the Department of
84 Emergency Services and Public Protection shall establish the standards
85 for analytical tests to be conducted with respect to controlled drugs, or
86 with respect to body fluids believed to contain alcohol, by qualified
87 professional toxicologists and chemists operating under the division's
88 direction and shall have the general responsibility for supervising such
89 analytical personnel in the performance of such tests. The original
90 report of an analysis made by such analytical personnel of the Division
91 of Scientific Services or by a qualified toxicologist, pathologist or
92 chemist of a laboratory of the United States Bureau of Narcotics shall
93 be signed and dated, either by hand or electronically, by the analyst
94 actually conducting the tests and shall state the nature of the analytical
95 tests or procedures, the identification and number of samples tested
96 and the results of the analytical tests. A copy of such report certified by
97 the analyst shall be received in any court of this state as competent
98 evidence of the matters and facts therein contained at any hearing in
99 probable cause, pretrial hearing or trial. If such copy is to be offered in
100 evidence at a trial, the attorney for the state shall send a copy thereof,
101 by certified mail, to the attorney of the defendant who has filed an
102 appearance of record or, if there is no such attorney, to the defendant if
103 such defendant has filed an appearance pro se, and such attorney or
104 defendant, as the case may be, shall, [within] not later than five days
105 [of] after the receipt of such copy, notify the attorney for the state, in
106 writing, if such attorney or defendant intends to contest the
107 introduction of such certified copy. No such trial shall commence until
108 the expiration of such five-day period and, if such intention to contest
109 has been filed, the usual rules of evidence shall obtain at such trial.

110 Sec. 3. Section 53-39a of the general statutes is repealed and the

111 following is substituted in lieu thereof (*Effective October 1, 2017*):

112 Whenever, in any prosecution of [an officer of the Division of State
113 Police within the Department of Emergency Services and Public
114 Protection, or a member of the Office of State Capitol Police or] any
115 member of a law enforcement unit, as defined in section 7-294a, any
116 person appointed under section 29-18 as a special policeman for the
117 State Capitol building and grounds, the Legislative Office Building
118 and parking garage and related structures and facilities, and other
119 areas under the supervision and control of the Joint Committee on
120 Legislative Management, or [a local police department] any inspector
121 in the Division of Criminal Justice for a crime allegedly committed by
122 such [officer] member, person or inspector in the course of [his] duty,
123 [as such,] the charge is dismissed or the [officer] member, person or
124 inspector found not guilty, such [officer] member, person or inspector
125 shall be indemnified by [his] such member's, person's or inspector's
126 employing governmental unit for economic loss sustained by [him]
127 such member, person or inspector as a result of such prosecution,
128 including the payment of attorney's fees and costs incurred during the
129 prosecution and the enforcement of this section. Such [officer]
130 member, person or inspector may bring an action in the Superior Court
131 against such employing governmental unit to enforce the provisions of
132 this section.

133 Sec. 4. Section 53a-28a of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective October 1, 2017*):

135 All financial obligations ordered pursuant to subsection (c) of
136 section 53a-28 may be enforced in the same manner as a judgment in a
137 civil action by the party or entity to whom the obligation is owed. Such
138 obligations may be enforced at any time during the [ten-year] twenty-
139 year period following the offender's release from confinement or
140 [within ten] not later than twenty years [of] after the entry of the order
141 and sentence, whichever is longer.

142 Sec. 5. Section 53a-123 of the general statutes is repealed and the

143 following is substituted in lieu thereof (*Effective October 1, 2017*):

144 (a) A person is guilty of larceny in the second degree when he
145 commits larceny, as defined in section 53a-119, and: (1) The property
146 consists of a motor vehicle, the value of which exceeds ten thousand
147 dollars, (2) the value of the property or service exceeds ten thousand
148 dollars, (3) the property, regardless of its nature or value, is taken from
149 the person of another, (4) the property is obtained by defrauding a
150 public community, and the value of such property is two thousand
151 dollars or less, (5) the property, regardless of its nature or value, is
152 obtained by embezzlement, false pretenses or false promise and the
153 victim of such larceny is sixty years of age or older, or is a conserved
154 person, as defined in section 45a-644, or is blind or physically disabled,
155 as defined in section 1-1f, or (6) the property, regardless of its value,
156 consists of wire, cable or other equipment used in the provision of
157 telecommunications service and the taking of such property causes an
158 interruption in the provision of emergency telecommunications
159 service.

160 (b) For purposes of this section, "motor vehicle" means any motor
161 vehicle, construction equipment, agricultural tractor or farm
162 implement or major component part of any of the above. In any
163 prosecution under subdivision (1) of subsection (a) of this section,
164 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
165 alteration, mutilation or removal of a vehicle identification number
166 shall be prima facie evidence (A) that the person in control or
167 possession of such motor vehicle knows or should have known that
168 such motor vehicle is stolen, and (B) that such person possesses such
169 motor vehicle with larcenous intent.

170 (c) Larceny in the second degree is a class C felony.

171 Sec. 6. Section 54-86d of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective October 1, 2017*):

173 Any person who has been the victim of a sexual assault under

174 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a,
175 voyeurism under section 53a-189a, or injury or risk of injury, or
176 impairing of morals under section 53-21, or of an attempt thereof, or
177 family violence, as defined in section 46b-38a, shall not be required to
178 divulge his or her address or telephone number during any trial or
179 pretrial evidentiary hearing arising from the sexual assault, voyeurism
180 or injury or risk of injury to, or impairing of morals of, a child, or
181 family violence; provided the judge presiding over such legal
182 proceeding finds: (1) Such information is not material to the
183 proceeding, (2) the identity of the victim has been satisfactorily
184 established, and (3) the current address of the victim will be made
185 available to the defense in the same manner and time as such
186 information is made available to the defense for other criminal
187 offenses.

188 Sec. 7. Section 54-86e of the general statutes is repealed and the
189 following is substituted in lieu thereof (*Effective October 1, 2017*):

190 The name and address of the victim of a sexual assault under
191 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a,
192 voyeurism under section 53a-189a, or injury or risk of injury, or
193 impairing of morals under section 53-21, or of an attempt thereof, or
194 family violence, as defined in section 46b-38a and such other
195 identifying information pertaining to such victim as determined by the
196 court, shall be confidential and shall be disclosed only upon order of
197 the Superior Court, except that (1) such information shall be available
198 to the accused in the same manner and time as such information is
199 available to persons accused of other criminal offenses, and (2) if a
200 protective order is issued in a prosecution under any of said sections,
201 the name and address of the victim, in addition to the information
202 contained in and concerning the issuance of such order, shall be
203 entered in the registry of protective orders pursuant to section 51-5c.

204 Sec. 8. Section 2 of public act 11-252, as amended by section 3 of
205 public act 12-111 and section 11 of public act 14-233, is repealed and
206 the following is substituted in lieu thereof (*Effective from passage*):

207 (a) There is established an Eyewitness Identification and Emerging
208 Technologies Task Force to [study issues concerning eyewitness
209 identification in criminal investigations and the use of sequential live
210 and photo lineups. The task force shall examine: (1) The science of
211 sequential methods of conducting a live lineup and a photo lineup, (2)
212 the use of sequential lineups in other states, (3) the practical
213 implications of a state law mandating sequential lineups, and (4) such
214 other topics as the task force deems appropriate relating to eyewitness
215 identification and the provision of sequential lineups] assist the Police
216 Officer Standards and Training Council and the Division of State
217 Police within the Department of Emergency Services and Public
218 Protection in the development of policies and guidelines for law
219 enforcement agencies concerning (1) eyewitness identification
220 procedures, (2) the use of other emerging technologies to promote
221 effective law enforcement and preventive measures to preclude the use
222 of such technologies for criminal purposes, and (3) such other topics
223 related to eyewitness identification and emerging technologies as the
224 task force deems appropriate.

225 (b) The task force shall consist of the following members or their
226 designees: The chairpersons and ranking members of the joint
227 standing committee of the General Assembly on the judiciary; the
228 Chief State's Attorney; the Chief Public Defender; the Victim Advocate;
229 an active or retired judge appointed by the Chief Justice of the
230 Supreme Court; a municipal police chief appointed by the president of
231 the Connecticut Police Chiefs Association; the director of the Division
232 of Scientific Services within the Department of Emergency Services
233 and Public Protection; a representative of the Police Officer Standards
234 and Training Council; a representative of the State Police Training
235 School appointed by the Commissioner of Emergency Services and
236 Public Protection; a representative of the criminal defense bar
237 appointed by the president of the Connecticut Criminal Defense
238 Lawyers Association; a representative from the Connecticut Innocence
239 Project; and six public members, including the dean of a law school
240 located in this state and a social scientist, appointed one each by the

241 president pro tempore of the Senate, the speaker of the House of
242 Representatives, the majority leader of the Senate, the majority leader
243 of the House of Representatives, the minority leader of the Senate, and
244 the minority leader of the House of Representatives.

245 (c) The task force may solicit and accept gifts, donations, grants or
246 funds from any public or private source to assist the task force in
247 carrying out its duties.

248 (d) The task force shall report its findings and recommendations to
249 the joint standing committee of the General Assembly on the judiciary
250 in accordance with section 11-4a of the general statutes [not later than
251 April 1, 2012] as the task force deems appropriate.

252 [(e) After submitting the report required under subsection (d) of this
253 section, the task force shall continue in existence for the purpose of (1)
254 assisting the Police Officer Standards and Training Council and the
255 Division of State Police within the Department of Emergency Services
256 and Public Protection in the development of policies and guidelines for
257 the conducting of eyewitness identification procedures by law
258 enforcement agencies as required by subsection (b) of section 54-1p of
259 the general statutes, (2) researching and evaluating best practices in the
260 conducting of eyewitness identification procedures as such practices
261 may change from time to time, and recommending such revised best
262 practices to the Police Officer Standards and Training Council and the
263 Division of State Police within the Department of Emergency Services
264 and Public Protection, (3) collecting statistics concerning the
265 conducting of eyewitness identification procedures by law
266 enforcement agencies, and (4) monitoring the implementation of
267 section 54-1p of the general statutes. The task force shall report the
268 results of such monitoring, including any recommendations for
269 proposed legislation, to the joint standing committee of the General
270 Assembly on the judiciary in accordance with section 11-4a of the
271 general statutes not later than February 5, 2014.

272 (f) After submitting the report required under subsection (e) of this

273 section, the task force may continue in existence until June 30, 2016, for
 274 the purpose set forth in subdivision (3) of subsection (e) of this section,
 275 to collect and assist in the archiving of eyewitness identification
 276 procedures used by law enforcement agencies in this state, and to
 277 consider best practices in eyewitness identification procedures adopted
 278 by law enforcement agencies in other states, provided members of the
 279 task force and advisors to the task force shall receive no compensation
 280 for their services.]

281 Sec. 9. Section 51-279e of the general statutes is repealed. (*Effective*
 282 *July 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	19a-343
Sec. 2	<i>October 1, 2017</i>	21a-283(b)
Sec. 3	<i>October 1, 2017</i>	53-39a
Sec. 4	<i>October 1, 2017</i>	53a-28a
Sec. 5	<i>October 1, 2017</i>	53a-123
Sec. 6	<i>October 1, 2017</i>	54-86d
Sec. 7	<i>October 1, 2017</i>	54-86e
Sec. 8	<i>from passage</i>	PA 11-252, Sec. 2
Sec. 9	<i>July 1, 2017</i>	Repealer section

JUD *Joint Favorable Subst.*